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MEHRDAD HAKIMIAN

13 UNITED STATES DISTRICT COURT,  
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA, )

17 Plaintiff, )

18 v. )

19 MEHRDAD HAKIMIAN, et al., )

20 Defendants. )

NO. **CR-09-00021 DLJ**

**DEFENDANT MEHRDAD  
HAKIMIAN'S SENTENCING  
MEMORANDUM**

Date: July 2, 2010

Time: 10:00 am

Place: Honorable D. Lowell Jensen

23 **INTRODUCTION**

24 On July 2, 2010, Defendant Mehrdad Hakimian is scheduled to come before  
25 this Court for sentencing. We have received a final pre-sentence report and by the  
26 foregoing respond to the specific sentencing recommendations contained therein.  
27  
28 Additionally, we will discuss the defendant's personal history and the very

1 significant positive impact that Mr. Hakimian has had on friends, family, employees  
2 and the community at large, as shown by the voluminous letters of support submitted  
3 to this Court on his behalf. Finally, we will address an alternative sentencing  
4 proposal that would allow Mr. Hakimian to contribute to the community in a very  
5 positive and valuable way, benefiting a large and underserved group of persons  
6 (“aged out” foster children) who are at risk and in need of the kind of support he can  
7 provide.  
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### 11 **DISCUSSION**

12 On February 5, 2010, Mr. Hakimian pled guilty to ten immigration-related  
13 offenses: two counts of harboring illegal aliens (Counts Eleven and Twelve), one  
14 count of conspiracy to commit visa fraud (Count Fourteen) and seven counts of visa  
15 fraud (Counts Fifteen through Nineteen, Twenty-Two and Twenty-Three). After a  
16 jury trial, on March 18, 2010 Defendant Hakimian was convicted of the remaining  
17 eleven counts of the Superseding Indictment, alleging wire fraud and conspiracy to  
18 commit wire fraud (Counts One through Ten) and obstruction of justice (Count  
19 Thirteen).  
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24 As this Court is aware, the allegations of wire fraud which are at the heart of  
25 his case concern the billing of insurance companies for different (more expensive)  
26 windshield glass than that which was actually installed in the vehicles. The  
27 allegations of harboring concern the hiring and protection of immigrant workers who  
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1 lacked proper work authorization, shielding them from detection, and the visa fraud  
2 charges involved signing and submitting immigrant visa petitions which contained  
3 inaccurate work descriptions and salaries for the workers involved. Defendant  
4 Hakimian has no criminal history -- has never previously been arrested for, or  
5 convicted of, a criminal offense.  
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8 **I. Mehrdad Hakimian**

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10 We have attached to this memorandum a large number of letters written to the  
11 Court by persons wishing to support Mr. Hakimian. These earnest submissions to  
12 the Court come from people in all walks of life. They are from family, friends,  
13 business associates and employees (Attached as Exhibits D, E and F respectively).  
14 Some are from people to whom Mr. Hakimian has offered some kindness, large or  
15 small, that they have remembered and for which they are grateful and appreciative.  
16  
17 It is obvious that Tony Hakimian has touched many lives, and that his positive,  
18 mentoring influence is widespread. Mr. Hakimian is an extraordinary person who  
19 has given of himself enormously to help others less fortunate, whether their  
20 misfortune stems from grief for the loss of a loved one, from illness or injury,  
21 financial challenges, or errors in judgment. He is kind, thoughtful and forgiving and  
22 these qualities shine through the letters we have submitted for the Court's  
23 consideration.  
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1 Mr. Hakimian is also a complex person who has placed great value on hard  
2 work and success. Born and raised in Tehran, Iran, Mr. Hakimian's family arranged  
3 for him to come to the United States when he was a teenager (16 years old), so that  
4 he could be educated here. While in high school, Mr. Hakimian worked two jobs at  
5 night in order to support himself. After completing high school, he received a  
6 Bachelors Degree from the University of San Francisco, and later attended graduate  
7 school at San Francisco State University. Mr. Hakimian became a naturalized  
8 United States citizen in 1992.

12 While in college Mr. Hakimian worked at an auto glass facility in order to  
13 support himself. In this setting he learned the trade that has remained his career ever  
14 since. In 1989 he opened his first auto-glass repair and replacement shop, and over  
15 the next twenty years, his business grew to eventually comprise of over 60 shops  
16 throughout the country, employing 700 persons. Mr. Hakimian took great pride in  
17 his business, maintaining a rigorous travel schedule, opening new shops, advertising  
18 for and hiring new workers to man those shops, and setting up the physical premises  
19 for them. Some of the persons who have written on his behalf attest to the personal  
20 labor he invested in these shops. He has also taken an enormous personal interest in  
21 the well being of his employees, many of whom have written to the Court. Some of  
22 the incidents they recount are truly inspiring. Frank McDermott, a Regional  
23 Manager of Glass Emporium, writes about a store manager in Jacksonville who

1 found she was suffering from cancer. Mr. Hakimian, who had never met the  
2 manager immediately sent her a \$3000 check to assist in personal expenses and kept  
3 track of her condition thereafter. When she sadly passed away, Mr. Hakimian paid  
4 her funeral expenses because her husband did not have sufficient funds. To Mr.  
5 McDermott, Tony Hakimian is a “great man” who consistently thinks of other  
6 people’s welfare. Another employee, Joseph Dills, has always found Mr. Hakimian  
7 to be “kindhearted, helpful and compassionate,” going out of his way to help persons  
8 who fall ill and encouraging people experiencing life challenges. Robert Kimble  
9 writes the Court of an occasion when he lost a deposit of roughly \$2000. When he  
10 confessed this to Mr. Hakimian, Mr. Hakimian’s reaction was to reassure him “Bob,  
11 mistakes happen. Don’t worry about it.” And Rahel Alemayo reflects: “Tony  
12 Hakimian believed in me and gave me a position as a manager, ever since then I  
13 truly started to believe in myself in more of a positive way.” These experiences,  
14 recounted in letters submitted to the Court, are seemingly endless. They explain  
15 why one of the Defendant’s great concerns at the present juncture is the fate of his  
16 employees if he is unable to remain at the helm of his company.

17  
18 In 2006, Mr. Hakimian married his wife, Katherine (Katy), and in 2009, his  
19 twin sons, Kian and Kasra, were born. Mehrdad and Katy Hakimian have an  
20 extremely warm and supportive relationship as evidenced by her letter to the Court.  
21 As a Deputy Public Defender in San Francisco practicing for over twelve years,  
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1 Katy has experienced Tony's great compassion and concern for disadvantaged  
2 people. She writes:

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4 "So I guess you could say the first thing I fell in love with was  
5 Mehrdad's heart – his compassion and respect for all people is  
6 boundless. Friends and strangers alike have been touched by  
7 Mehrdad's kindhearted nature. And his touch, whether it is transmitted  
8 through sound advice, financial assistance, or emotional support, is  
9 remembered for a lifetime. Believe it or not, the receptionist at every  
10 doctor's office, business or even hair salon knows his voice when he  
11 calls and will go out of their way to return the kindness and respect he  
12 has bestowed on them. Put simply, Mehrdad's heart impacts people's  
13 lives every single day."

14 The devotion of Katy and Tony to their young sons has affected everyone who  
15 knows them. One of the most painful aspects of the case for many of these letter-  
16 writers is the possibility that Kian and Kasra could be deprived of their father's  
17 company for a significant period of time during their early, formative years. As the  
18 probation report reflects, Kian suffers from a condition called microcystic lymphatic  
19 malformation, which will require at least one surgery near his eye, and repeated  
20 injections of Bleoycin, a toxic agent normally used to treat cancer patients suffering  
21 from Lymphoma and Hodgkins, and only used by one hospital in the United States,  
22 Children's Hospital Boston.

23 Warm and insightful letters from Tony Hakimian's father, mother, sister, niece,  
24 in-laws, and many, many people who simply *consider* Tony a father, uncle or  
25 brother because of the familial care and guidance he has always shown them  
26 underscore Katy Hakimian's reflections about her husband's true character. They  
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1 speak of the commitment that Mehrdad has made to really get to know friends and  
2 family, and to be physically and emotionally present to celebrate their successes and  
3 mourn their losses. Masoud Mosharraf, for example, refers to Mehrdad as his  
4 “human angel” because of the kindness shown during a particularly difficult moment  
5 in his life, the loss of his father. Reduced down to their essence, these letters, unique  
6 and detailed, eloquently explain that Tony Hakimian has deeply touched the lives of  
7 those around him in positive ways, and inspired the writers to be better people. We  
8 emphasize these qualities here because in Counsel’s experience, they are rare and  
9 special.  
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14 Nor would it be accurate to say that, while Mr. Hakimian is exemplary in his  
15 personal behavior, his company is permeated by fraud. If the trial demonstrated  
16 anything about Glass Emporium, it demonstrated that there was no systematic,  
17 company-wide fraud against insurance companies. During trial no fewer than fifteen  
18 present and past employees testified that Mr. Hakimian never told them to over-bill  
19 insurance companies for work preformed at local shops they managed or at which  
20 they installed glass. I refer to Kathy James, Omerlee Harris, Joel McDaniel, Emily  
21 Ellison, Nicole Coley, Shannon Tuck, Keith Elder, John Ketchum, William Basil  
22 Sands, Avis DeWalt, Michelle (Crane) Walton, Mike Happney, Arezou Bidgoli,  
23 Delmar Cook and Judy Plummer. These were credible witnesses and their testimony  
24 showed quite clearly that there was no company-wide directive to defraud insurance  
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1 companies. These people and others testified that Mr. Hakimian appeared to run an  
2 honest business and that he expected honesty from his employees.  
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4 To say this is not intended to impugn the jury's verdict which of course we  
5 fully respect, but rather to emphasize that the fraudulent conduct found to exist was  
6 much less widespread than suggested by the government. In a chaotic industry  
7 where prices are set arbitrarily and bear little relation to the market, and operating in  
8 a harried and competitive environment, the vast majority of Glass Emporium  
9 employees acted ethically and responsibly. This would not be true if Mr. Hakimian  
10 had directed a fraudulent scheme which instead of being limited to the cases shown  
11 in the evidence permeated the entire company.  
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15 The employees, past and present, who wrote to the Court underscore this  
16 point. John Ketchum writes of Mr. Hakimian that "[h]e has taught me to run my  
17 store, my district, and my life with the highest integrity." Arezou Bidgoli praises  
18 Mehrdad as "an honest, generous and down to earth person" who "encourages all of  
19 his employees to reach their highest potential regardless of the job they currently  
20 hold." According to Lea Kearney "Tony has always stressed the importance of  
21 honesty and making sure we are not charging for parts not used since I was here."  
22 Michael Happney, to whom Mr. Hakimian devoted extensive attention when  
23 Happney suffered a heart attack in 2008, writes that Mehrdad has earned his  
24 "loyalty, respect and admiration" by the way he has run his business. These and  
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1 other employees obviously regard the defendant with great affection, but they also  
2 regard him as an employer who, according to their observation, attempts to conduct  
3 the company's business in an honest way.  
4

5 Outside of the sphere of his employment, Mr. Hakimian has long been  
6 concerned with the welfare of the community, particularly sick and homeless people.  
7 Thus, his interest in the vulnerable population we have characterized as "aged out"  
8 foster children, which gives rise to the alternative sentencing proposal we present  
9 herein, is not out of character. Notably, Mehrdad's brother-in-law, Khaleel Isa, has  
10 written the Court that he is a clinical psychologist currently working with foster  
11 children and adolescents in Alameda County. His experience with this population,  
12 which he likens to "domestic refugees because of their displaced status without a  
13 home or parent" has not been lost on Mehrdad, who, as he emphasizes "is a man  
14 known by many as a community leader."  
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## 19 **II. Repayments to Insurance Companies:**

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21 As noted in the pre-sentence report at paragraph 34, Defendant Hakimian has  
22 made substantial repayments to insurance companies affected by the offense conduct  
23 in this case. He did this prior to trial. As counsel for the defendant, we can assure  
24 the Court that Mr. Hakimian wanted to make these repayments since he was initially  
25 charged by way of complaint several years ago. Only the caution of his attorneys,  
26 who were insistent on viewing the evidence and obtaining discovery, dissuaded the  
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1 defendant from making these refunds earlier. He wanted to do this because he was  
2 satisfied that his company received monies from insurance companies to which it  
3 was not entitled. And he wanted to make it good regardless of whether the  
4 overpayments were the result of actual fraud or of simple error, or who was  
5 responsible. In this sense, Mr. Hakimian has always wanted to take financial  
6 responsibility.  
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8  
9 In addition to these repayments, Mr. Hakimian repaid \$112,789 to State Farm,  
10 Insurance Company in 2006 in the context of a civil monetary settlement in which  
11 he paid a total of \$1.25 million to State Farm. The latter figure does not reflect  
12 actual overpayments found to exist but is rather the product of various statutory  
13 multipliers in insurance fraud cases that supported a settlement well in excess of  
14 actual overpayments. We have attached hereto as Exhibit “B” the schedule of Mr.  
15 Hakimian’s repayments in 2009. We respectfully urge the Court that this conduct is  
16 worthy of strong consideration in arriving at a fair and equitable sentence in this  
17 case.  
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### 19 **III. The Pre-Sentence Report:**

20  
21 The Defendant appreciates the care and attention that was put into the  
22 preparation of the pre-sentence report. There are, however, certain findings of the  
23 Report that we strongly believe are erroneous, chief among them the loss calculation  
24 driving the wire fraud sentencing analysis, which we will address herein.  
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1       **Paragraph 24 (pages 9-10):** In Paragraph 24, the Report discusses the loss  
2 calculation attributable to the defendant's offenses. Noting that the figure is  
3 speculative, the Report goes on to accept the loss amount proffered by the  
4 government of \$2,070,432.49, stating that this amount was "corroborated by trial  
5 testimony." This is not correct. As fully set forth in the Loss Calculation Report  
6 authored by Frank S. Moore (attached hereto as Exhibit "A"), the government has  
7 failed to substantiate its claimed loss amount even by a preponderance of the  
8 evidence.<sup>1</sup> According to the evidence adduced at trial, the actual loss attributable to  
9 fraudulent conduct is far less than the 2 million dollars used as the starting point of  
10 this analysis in the pre-sentence report, and should be corrected by the Court.

15       **Paragraph 32 (page 12):** In Paragraph 32, the Report discusses the  
16 circumstances underlying the visa fraud counts of the Superseding Indictment. This  
17 paragraph overstates the defendant's role in the preparation and submission of the  
18 immigrant visa applications at issue. Paragraph 32 states: "As the owner and  
19 sponsor of the majority of the fraudulent visa petitions submitted on behalf of  
20 prospective employees seeking H-1B petitions, Hakimian was the leader and  
21 organizer of the visa fraud. In addition, Hakimian coordinated the submission of  
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26       <sup>1</sup> As discussed by Mr. Moore, where as here, the government's loss  
27 calculations have the effect of an extremely disproportionate sentence, the claimed  
28 loss must be scrutinized under a "clear and convincing" standard of proof. The  
government's loss calculations cannot survive such an analysis.

1 applications with employees from Joblink, and further allowed the applicants to  
2 begin working prior to their approval, and began paying them through Joblink to  
3 avoid documentation of their illegal employment.”  
4

5         Mr. Hakimian pled guilty to these Counts prior to trial based on his  
6 understanding that he is criminally liable for signing visa petitions for immigrant  
7 employees which contained materially false statements regarding salary and job  
8 description. The defendant was not the instigator of these petitions. Initially,  
9 various company officers (not Mr. Hakimian) were contacted by Joblink, which  
10 maintained that it was an employment service in the business of placing immigrant  
11 workers in positions of employment. Other employees brought the idea to Mr.  
12 Hakimian who, consistent with his background, was receptive to hiring immigrant  
13 workers to assist them and to provide needed services for the company. Thereafter  
14 Joblink prepared false and fraudulent visa applications for GEMI workers, whom  
15 Joblink charged for this assistance. The fraudulent petitions were prepared by  
16 Joblink employees and attorneys who had no connection to Mr. Hakimian. He was  
17 presented with the completed petitions with signature lines for him. He signed the  
18 petitions and, as he came to realize that the information in them was not correct, was  
19 therefore liable and accordingly pled guilty. But it is not accurate to refer to the  
20 Defendant’s conduct as exhibiting leadership under these circumstances. He was  
21 presented with workers, signed their petitions, and paid them for their work. There  
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1 was no demonstrative planning, organization, or direction offered by Defendant with  
 2 respect to these petitions. Thus this enhancement is inappropriate.

3  
 4 ***Paragraph 50 (page 15):*** In Paragraph 50, the Report applies a two-level  
 5 enhancement for obstruction of justice pursuant to USSG §3C1.1. Mr. Hakimian  
 6 was convicted of obstructing justice in violation of 18 USC §1512(c)(1) (Count  
 7 Thirteen). Because under the Guidelines, 18 USC §1512(c)(1) is properly  
 8 referenced to USSG §2J1.2, the Report errs in applying this enhancement. In this  
 9 regard USSG §2J1.2, comment (n.2(A)) specifically directs:  
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12 “Inapplicability of Chapter Three, Part C. – For offenses covered under  
 13 this section, Chapter Three, Part C (Obstruction) does not apply, unless  
 14 the defendant obstructed the investigation, prosecution, or sentencing of  
 15 the obstruction of justice count.”

16 See also USSG §3C1.1, comment (n.7). Mr. Hakimian was convicted of obstructing  
 17 the underlying offense investigation, which resulted in Count Thirteen. He was not  
 18 convicted, nor was he ever accused, of obstructing the investigation or prosecution  
 19 of Count Thirteen. Consequently, Count Thirteen should have been calculated  
 20 pursuant to USSG §2J1.2 and should comprise an entirely separate Group, under the  
 21 Multiple Count rules at USSG §3D1.4. This two-level increase is thus inappropriate.  
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24 ***Paragraphs 54 and 62 (pages 15 and 16):*** Under USSG §2L1.1(b)(1), if the  
 25 immigration-related offenses were committed “other than for profit” the base offense  
 26 level is decreased by three levels, from 12 to 9. In Paragraphs 54 and 62, the Report  
 27 finds that this decrease of 3 levels is not appropriate in this case, because Mr.  
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1 Hakimian, as an employer, would benefit financially from the labor of this  
2 workforce. In so finding, the Report misapprehends the meaning of this provision.  
3

4 The Application notes to Section 2L1.1 explain that “committed other than for  
5 profit” means “that there was no payment or expectation of payment for the  
6 smuggling, transporting, or harboring of any of the unlawful aliens.” Mr.  
7 Hakimian’s conduct fits within the description of “other than for profit” as he had no  
8 expectation of payment and received no payment from the immigrant employees  
9 who he sponsored, or from anyone else. In fact, Mr. Hakimian spent money helping  
10 these workers petition for their visas in addition to compensating them for their  
11 services at the same rate that GEMI’s U.S. citizen employees were paid. Thus, his  
12 unlawful conduct was “other than for profit.”  
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17 The case law supports this interpretation. In *United States v. Torres*, 81 F.3d  
18 900 (9<sup>th</sup> Cir. 1996), for example, the Ninth Circuit held that the defendants were not  
19 eligible for the 3-point decrease of the base offense level under §2L1.1(b)(1) because  
20 immigrants paid the defendants’ agency to create fraudulent immigration documents,  
21 and the defendants personally received financial compensation for illegally creating  
22 such visa petitions. See also *United States v. Buenrosto-Torres*, 24 F.3d 1173, 1175  
23 (9<sup>th</sup> Cir. 1994)(district court did not clearly err in finding that crime was committed  
24 “for profit” when defendant sold false immigration documents and sheer quantity of  
25 such documents in his possession showed that intended them to be for profit.)  
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1 Because there was no financial gain to the Mr. Hakimian in sponsoring the  
2 immigrant visa applications or in harboring Mr. Antonio and his wife, a three level  
3 reduction to the base offense level is appropriate on these Counts.  
4

5 ***Paragraph 63 (page 16):*** We do not believe the evidence supports the  
6 number of petitions for which the pre-sentence report would hold Mr. Hakimian  
7 responsible. He should be held responsible for the petitions involved in his guilty  
8 pleas. Other petitions, not involved in the charges, were the subject of government  
9 efforts to expand the case beyond the charged offenses, but these efforts were not  
10 approved by the Court and these additional instances of alleged visa fraud were not  
11 actually proven by a satisfactory standard.  
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15 ***Paragraph 65 (page 16):*** In paragraph 65, the Report finds that Mr.  
16 Hakimian maintained a leadership role in connection with the visa fraud allegations.  
17 For the reasons stated above in relation to Paragraph 32, this upward adjustment is  
18 unwarranted, because Mr. Hakimian exerted no such role in connection with these  
19 offenses, but simply signed the documents presented to him by Joblink, hired the  
20 workers, and paid them for their labor.  
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24 ***Paragraph 70 (page 17):*** Paragraph 70 states that no downward adjustment is  
25 warranted for acceptance of responsibility. We understand that Mr. Hakimian put  
26 the government to its proof with respect to the wire fraud and obstruction counts.  
27 We write here only to make clear that Defendant Hakimian has, in a number of  
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ways, actually accepted responsibility. First, Defendant pled guilty to the ten counts of the Superseding Indictment alleging immigration violations prior to trial, thereby relieving the government of the obligation to prove these charges at trial. Second, the Defendant voluntarily paid restitution to insurance companies prior to trial. He did this because though he strongly believed he was not personally criminally liable for the overcharging of these companies, he absolutely believed he was financially responsible as the owner of GEMI to make those companies whole. In Mr. Hakimian's letter to the probation office and this Court, he clearly accepts responsibility for his actions and expresses remorse for his wrongful conduct. (Mr. Hakimian's letter is attached hereto as Exhibit "C"). These are all factors which the Court may properly consider in determining a just sentence in this case.

#### **IV. Alternative Sentencing Proposal**

Attached as Exhibit "G" for the Court's consideration is a letter from retired State Senator John Burton, founder and chair of the John Burton Foundation for Children Without Homes. Senator Burton and his staff have evaluated Mr. Hakimian to determine the appropriateness of his joining the Foundation as a volunteer and as way of making reparations to the community for his offense conduct, as an alternative to incarceration.

Recently, after the decision in *United States v. Booker*, 543 U.S. 220, 125 S. Ct. 738 (2005), there has been renewed interest in the Federal criminal justice



1 system in alternative sentencing proposals. See, Demleitner, “Replacing  
2 Incarceration: The Need for Dramatic Change,” Federal Sentencing Reporter,  
3 (October 2009) Vol. 22, No. 1, p.1, Hoelter, “Sentencing Alternatives - Back to the  
4 Future,” Federal Sentencing Reporter (October 2009) Vol. 22, No. 1, p.53, and  
5 “Community Service,” Court and Community, Office of Probation and Pretrial  
6 Services, Administrative Office of the U.S. Courts (2005). The Administrative  
7 Office report on community service indicated that community service addresses the  
8 traditional sentencing goals of punishment, reparation, restitution, and rehabilitation,  
9 goals embodied in Title 18 USC §3553(a). In particular, it identified community  
10 service as adding a punitive measure to probation, restricting offender’s personal  
11 liberty, serving to make the victim whole, and can be a form of symbolic restitution  
12 when the community at large is the victim. The circumstances of Mr. Hakimian’s  
13 case fit the criteria for consideration of such an alternative.

14  
15 Mr. Hakimian’s proposal is substantial, as he would dedicate at least two  
16 years of his life to serving the very vulnerable population which the John Burton  
17 Foundation seeks to aid. The purpose of the proposal is to provide mentor services  
18 and counseling to recently “aged out” foster children, who are entering adulthood,  
19 beginning higher education or vocational training, or are seeking employment;  
20 provide administrative and technical assistance to the John Burton Foundation for  
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1 Children Without Homes; and provide financial resources to create an emergency  
2 “resource fund” for clients.  
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4 Mr. Hakimian proposes a comprehensive alternative service proposal, in lieu  
5 of incarceration, utilizing his background, education, experience, and skills, and his  
6 financial resources, to aid young adults emerging from the foster care system in their  
7 transition to functioning as adults. The development of this program is to both aid  
8 young adults who are former foster children and provide substantial reparations to  
9 the community, as a result of Mr. Hakimian’s conviction.  
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12 The John Burton Foundation for Children Without Homes (JBF) was founded  
13 by retired State Senator John Burton in 2004. The primary purposes of the JBF are to  
14 improve the lives of California’s homeless children and to develop policy solutions  
15 to prevent homelessness. One of the focuses of the JBF is to develop, administer,  
16 and aid programs for emancipated foster youth, whose personal resources are limited  
17 or non-existent. In California in 2009, 5,393 youth “aged out” of the foster care  
18 system. Slightly more than half of the youth had graduated from high school, and,  
19 statistically, only 2 - 3 percent can expect to graduate from college. The low  
20 percentage of college graduates in this group is due in large part to an absence of  
21 resources on which these youth can rely. Resources as simple as clothing, food,  
22 school supplies, personal computers, and funds for housing are not available to many  
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1 of these youth and the absence of them become barriers to entering and completing  
2 school.

3  
4 To address this problem, the JBF has partnered with the California State  
5 University Chancellor's Office, the University of California system, and California  
6 Community Colleges, to develop the California College Pathways program, and aids  
7 other programs such as the Guardian Scholars Program at San Francisco State  
8 University. Other programs in which the JBF is involved are at CSU East Bay, U.C.  
9 Berkeley, and City College of San Francisco. JBF also runs the Burton Scholar  
10 Backpack to Success Program, serving 1,200 students per year.

11  
12 In his proposal to the Court, for a minimum of two years (to be extended with  
13 the approval of the Court), under the supervision of John Burton Foundation staff,  
14 Mr. Hakimian will personally staff, at a minimum of 20 hours per week (1,000 hours  
15 per year), a counseling and mentor services program for young adults, in the area of  
16 educational development, vocational development, business start-up, and career  
17 planning. In partnership with other programs in which JBF is involved, Mr.  
18 Hakimian will meet one-on-one with emancipated foster youth, as well as staff  
19 group meetings of emancipated foster youth to provide guidance in the above areas.

20  
21 In anticipation of the lead time required to establish the direct services Mr.  
22 Hakimian will provide to emancipated foster youth, Mr. Hakimian will also work  
23 with JBF staff in administering existing programs benefiting youth, as well as aiding  
24

1 in the development of systems to be used by JBF. It is anticipated, however, that the  
2 bulk of Mr. Hakimian's time at JBF will be providing direct services to emancipated  
3 foster youth.  
4

5 Mr. Hakimian will also use the resources of his company to provide  
6 internships and training for those interested youth, as indicated in Sen. Burton's  
7 letter. He will also begin the lengthy process of developing on-going housing  
8 resources, one of the most critical needs of this vulnerable population.  
9  
10

11 Further, Mr. Hakimian will donate funds to create a "resource fund" for use  
12 by John Burton Foundation staff to aid former foster youth in need of emergency  
13 funding to pursue their educational goals. The fund, administered by John Burton  
14 Foundation staff, will provide resources for former foster youth to obtain: personal  
15 computer equipment, books, educational supplies, emergency housing, clothing, and  
16 other services and items deemed essential to furthering the youths' educational  
17 goals. Mr. Hakimian will fund this "resource fund" at an initial rate of \$500,000 per  
18 year.  
19  
20  
21

22 Mr. Hakimian will provide these services in the offices of the John Burton  
23 Foundation, or other location as approved by John Burton Foundation staff. John  
24 Burton Foundation staff will provide to the United States Probation Office  
25 verification of Mr. Hakimian's volunteer hours and the yearly donation to fund the  
26 "resource fund."  
27  
28

1 Mr. Hakimian makes this proposal so that he can make reparations to the  
2 community, serve a punitive form of probation, while at the same time maintaining  
3 his company, insuring the on-going employment of his employees and providing a  
4 forum for the above mentioned internships and, importantly, continue to discharge  
5 his responsibilities to his two young sons.  
6

7  
8 Such a proposal will clearly benefit the community, enable Mr. Hakimian to  
9 meet his responsibilities in the community, honor the seriousness of his offense  
10 conduct, and be a win for society in general.  
11

## 12 13 14 CONCLUSION

15 Based on the foregoing, Defendant Hakimian respectfully prays the Court  
16 consider a sentence which would allow him to continue in his roles as a mentor, a  
17 father, and an employer, and require him to make substantial reparations to the  
18 community for his wrongful conduct. In this regard, the alternative sentencing  
19 proposal discussed herein meets all of the goals of Section 3553(a) for the  
20 dispensation of a sentence which is adequate, but not greater than necessary, to meet  
21 the ends of justice.  
22  
23  
24

25 Dated: June 28, 2010

Respectfully submitted,

26  
27 /s/ William L. Osterhoudt  
28 WILLIAM L. OSTERHOUDT,  
Attorney for Mehrdad Hakimian

**PROOF OF SERVICE**

I am employed in the City and County of San Francisco, State of California.  
I am over the age of 18 and not a party to the within action; my business address is  
135 Belvedere Street, San Francisco, California 94117.

On the date set forth below, I caused to be served the foregoing  
**DEFENDANT HAKIMIAN'S SENTENCING MEMORANDUM** (and  
Exhibits) on all interested parties in this action by causing same to be served  
electronically to the following:

AUSA Stephen Corrigan  
AUSA Wade Rhyne  
1301 Clay Street  
Suite 340 S  
Oakland, CA 94612

Zenia Gilg, Esq.  
809 Montgomery Street  
2<sup>nd</sup> Floor  
San Francisco, CA 94133

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on June 29, 2010 in San Francisco, California.

/s/ Dolores T. Osterhoudt  
Dolores T. Osterhoudt